

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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LAVAR T. RODGERS,

1:19-cv-16612 (NLH)

Petitioner,

**MEMORANDUM OPINION & ORDER**

v.

BRUCE DAVIS, et al.,

Respondents.

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**APPEARANCES:**

Lavar T. Rodgers  
785973  
New Jersey State Prison  
PO Box 861  
Trenton, NJ 08625

*Petitioner Pro se*

Matthew J. Platkin, New Jersey Attorney General  
Regina Marie Oberholzer, Deputy Attorney General  
Office of the Attorney General, Division of Criminal Justice  
25 Market Street  
Po Box 086  
Trenton, NJ 08625

*Attorneys for Respondents*

**HILLMAN, District Judge**

WHEREAS, on August 12, 2019, Petitioner Lavar T. Rodgers filed a petition for writ of habeas corpus under 28 U.S.C. § 2254, see ECF No. 1; and

WHEREAS, Respondents filed their answer on March 18, 2020, ECF No. 12; and

WHEREAS, On May 8, 2020, Petitioner filed a motion for a stay and abeyance based on his desire to file a second post-conviction relief ("PCR") motion in the state courts "to exhaust the kidnapping offense, and ineffective assistance of counsel, from trial appellate and first (1st) PCR counsel for not addressing or investigating this incident, for [that] there was evidence to dispute otherwise." ECF No. 14 at 3; and

WHEREAS, the Court granted the motion on June 30, 2020 over Respondents' objection, ECF No. 21; and

WHEREAS, the Court ordered Petitioner to inform the Court within 30 days of completing state court exhaustion. Id. As part of his submission, Petitioner was to "file a second amended petition containing all claims he wishes the Court to review, even if he has already included those claims in his prior submissions. In other words, the second amended petition should gather in one place every claim Petitioner is raising under § 2254. If a claim is not in the second amended petition, the Court will consider the claim waived," ECF No. 20 at 5; and

WHEREAS, Petitioner submitted a letter to the Court on April 5, 2023 indicating that he had received a final decision from the New Jersey Supreme Court and wanted to reopen his habeas proceedings, ECF No. 23; and

WHEREAS, the Court will reopen this matter for consideration. However, Petitioner did not comply with the

Court's direction to submit a second amended petition with his request to reopen his habeas proceedings; and

WHEREAS, the Court will direct the Clerk to send Petitioner a blank form for habeas proceedings. Petitioner is to complete the form and return it to the Court within 30 days. The returned form must contain all claims that Petitioner "wishes the Court to review, even if he has already included those claims in his prior submissions. In other words, the second amended petition should gather in one place every claim Petitioner is raising under § 2254. If a claim is not in the second amended petition, the Court will consider the claim waived"; and

WHEREAS, if Petitioner does not return the completed form within 30 days, the Court will review Petitioner's habeas claims on the record presently before the Court,

THEREFORE, IT IS on this 6th day of April, 2023

ORDERED that the Clerk shall LIFT the stay and restore this matter to the Court's active docket; and it is further

ORDERED that the Clerk shall send Petitioner a blank form for § 2254 proceedings, AO 241 (modified):DNJ-Habeas-008 (Rev.01-2014); and it is further

ORDERED that Petitioner is to complete the form and return it to the Court within 30 days. The returned form must contain all claims that Petitioner wishes the Court to review. If a

claim is not in the second amended petition, the Court will consider the claim waived; and it is further ORDERED that if Petitioner does not return the completed form within 30 days, the Court will review Petitioner's habeas claims on the record presently before the Court; and it is finally

ORDERED that the Clerk shall serve a copy of this Order upon Petitioner by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.